

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Coastal Select Insurance Company,)
)
Plaintiff,)
)
v.)
)
Stephen Rice and John Quick, Jr.,)
)
Defendants.)
_____)

Civil Action No. 2:17-2802-BHH

ORDER

This matter is before the Court upon Plaintiff Coastal Select Insurance Company's ("Coastal") declaratory judgment action, seeking a declaration that it has no duty to defend, indemnify, and/or provide liability insurance coverage to Defendant John Quick, Jr. ("Quick") in relation to *Rice v. M-E-C Company, et al.*, Civil Action No. 2:17-1274-BHH. On April 27, 2018, Coastal filed a motion for summary judgment. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary determinations. On December 6, 2018, Magistrate Judge Mary Gordon Baker issued a report and recommendation ("Report") outlining the issues and recommending that the Court deny Coastal's motion at this stage of the litigation. Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s recommendation. Because the parties have not yet had the opportunity to complete the necessary discovery to uncover all the facts in the underlying litigation, Coastal’s motion for summary judgment is premature at this time.

Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 31) and incorporates it herein, and the Court denies Coastal’s motion for summary judgment (ECF No. 21) at this stage of the litigation.

IT IS SO ORDERED.

January 11, 2019
Charleston, South Carolina

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge